

# NEW MEXICO



## LABOR LAW POSTINGS

# New Mexico Labor Law Postings

Thank you for using GovDocs! This file contains the following state postings:

Name of Posting	Posting Code	Posting Requirements	Agency Responsible
Workers' Compensation (bi-lingual)	LNM02	All employers	Workers' Compensation Administration
Minimum Wage	LNM03	All employers	Department of Labor, Labor and Industrial Division
Safety & Health Protection on the Job (bi-lingual)	LNM04	All employers	Environment Department
Unemployment Compensation*	LNM06	All employers	Department of Labor
Discrimination (bi-lingual)	LNM07	All employers of four or more employees	DOL, Human Rights Division
No Smoking**	LNM12	All employers	Department of Health
Notice of Accident Form (bi-lingual)	LNM14	All employers - to be posted in conjunction with Workers' Compensation (LNM02)	Workers' Compensation Administration
Smoking Permitted	LNM15	Required if smoking is allowed indoors	Department of Health
Child Labor Law	LNM16	Recommended for employers of minors	Department of Workforce Solutions
Human Trafficking	LNM17	All employers	Department of Workforce Solutions
Human Trafficking (Spanish)	LNM18	All employers	Department of Workforce Solutions
Minimum Wage (Spanish)	LNM19	Recommended	Department of Workforce Solutions

\* GovDocs provides an informational memo describing the process for obtaining New Mexico's Unemployment Compensation poster.

\*\* Shall be posted where it is clear, conspicuous, and easily legible at each public entrance.

## **To Print and Post:**

This file is print ready, according to size requirements from the issuing agency. To ensure compliance, print all postings as provided. Postings requiring different paper size and/or color print are noted below as exceptions. Please note: In some cases, individual postings are set up to print on multiple pages.

- 1.) This file is formatted to print each of the postings listed above on 8.5"x11" paper.
- 2.) For multiple-page postings, we recommend taping the pages together before displaying.
- 3.) Review each posting and its requirements carefully to check for applicability to your business.
- 4.) Postings applicable to your business should be made accessible to all employees (common display locations include an employee lounge, a break room, or a cafeteria).

State of New Mexico Workers' Compensation Administration

# WORKERS' COMPENSATION ACT

## If You Are Injured At Work Si Se Lastima En El Trabajo

- 1) **Notice** -- In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form.
- 2) **You have the right** to information and assistance from an information specialist known as an Ombudsman at the Workers' Compensation Administration.
- 3) **Claims information** -- Contact your employer's Claims Representative.

- 1) **Aviso.** -- En la mayoría de los casos usted debe de avisarle a su empleador del accidente dentro de los primeros 15 días usando las formas de Aviso de Accidente.
- 2) **Usted tiene el derecho** a información y ayuda contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.
- 3) **Información acerca de Reclamaciones.** -- Contáctese con el representante de reclamaciones de su compañía.

Employer's Insurer / Claims Representative:

Name: \_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Note: Employer must fill in this insurer / claims representative information.

# **YOUR RIGHTS**

If you are injured in a work-related accident:

Your employer / insurer must pay all reasonable and necessary medical costs.

You may or may not have the right to choose your health care provider. If your employer / insurer has not given you written instructions about who chooses first, call an ombudsman. In an emergency, get emergency medical care first.

If you are off work for more than 7 days, your employer / insurer must pay wage benefits to partially offset your lost wages.

If you suffer “permanent impairment,” you may have the right to receive partial wage benefits for a longer period of time.

Ombudsmen are located at the following offices:

Albuquerque:  
1-800-255-7965  
1-505-841-6000

Farmington:  
1-800-568-7310  
1-505-599-9746

Las Cruces:  
1-800-870-6826  
1-505-524-6246

Las Vegas:  
1-800-281-7889  
1-505-454-9251

# **SUS DERECHOS**

Si se lastima en el trabajo:

Su empleador / asegurador debe de pagar por los gastos médicos necesarios y razonables.

Es posible que usted tenga, o no tenga, el derecho de escoger el proveedor de servicios para la salud. Si su empleador / asegurador no le ha dado instrucciones por escrito de quien es él que selecciona primero, pregúntele o llame a un ombudsman. En una emergencia, obtenga asistencia médica de emergencia primero.

Si usted está fuera del trabajo por más de siete días, su empleador / asegurador debe de hacerle un pago compensatorio de prestaciones para compensar parcialmente la pérdida de su salario.

Si usted sufre “daño permanente,” usted puede tener el derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo.

Santa Fe:  
1-505-476-7381

Lovington:  
1-800-934-2450  
1-575-396-3437

Roswell:  
1-866-311-8587  
1-575-623-3997

**If You Need HELP Call:**  
*Ask for an Ombudsman*

**Si Usted Necesita Ayuda Llame Al:**  
*Pregunte por un Ombudsman*

**1 - 8 6 6 - W O R K O M P (1-866-967-5667)**

Visit our website at: [www.workerscomp.state.nm.us](http://www.workerscomp.state.nm.us)

**USE A NOTICE OF ACCIDENT FORM TO REPORT YOUR ACCIDENT TO YOUR SUPERVISOR**

**EMPLOYER: You are required by law to post this poster where your employees can read it and to post Notice of Accident forms with it. This poster without Notice of Accident forms does not comply with law.**

**You have other rights and duties under the law.**

New Mexico Workers' Compensation Administration  
2410 Centre Avenue, Albuquerque, New Mexico 87106  
P.O. Box 27198, Albuquerque, New Mexico 87125-7198

**POST FORMS HERE** 

This poster published 3/15/07. It remains valid until reissued and supersedes all prior versions except 3/15/03.

LNM02/2



# OFFICIAL NOTICE

## New Mexico Minimum Wage Act



Minimum Wage - Every employer shall pay to each employee wages not less than the following:

Effective January 1, 2009

**\$7.50 per hour**

### MINIMUM WAGES

- A. An employer shall pay an employee the minimum wage rate of six dollars fifty cents (\$6.50) an hour. As of January 1, 2009, an employer shall pay the minimum wage rate of seven dollars fifty cents (\$7.50) an hour.
- B. An employer furnishing food, utilities, supplies or housing to an employee who is engaged in agriculture may deduct the reasonable value of such furnished items from any wages due to the employee.
- C. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid a minimum hourly wage of two dollars thirteen cents (\$2.13).
- D. An employee shall not be required to work more than forty hours in any week of seven days, unless the employee is paid one and one-half times the employee's regular hourly rate of pay for all hours worked in excess of forty hours. **50-4-22**.

### TEMPORARY STATE PREEMPTION; SAVING CLAUSE

A local law or ordinance, whether advisory or self-executing, in effect on January 1, 2007 that provides for a higher minimum wage rate than that set forth in the Minimum Wage Act shall continue in full force and effect until repealed. **50-4-22.1**.

### EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR CERTAIN EMPLOYEES

- A. An employer of workers engaged in the ginning of cotton for market, is exempt from the overtime provisions of Subsection D of Section 50-4-22 NMSA 1978 if each employee is employed for a period of not more than fourteen weeks in the aggregate in a calendar year.
- B. An employer of workers engaged in agriculture is exempt from the overtime provisions set forth in Subsection D of Section 50-4-22 NMSA 1978.
- C. An employer is exempt from the overtime provisions set forth in Subsection D of Section 50-4-22 NMSA 1978 if the hours worked in excess of forty hours in a week of seven days are: (1) worked by an employee of an air carrier providing scheduled passenger air transportation, (2) not required by the employer, and (3) arranged through a voluntary agreement among employees to trade scheduled work shifts. **50-4-24**.

### POSTING OF SUMMARY OF THE ACT

Every employer subject to the Minimum Wage Act [50-4-20 NMSA 1978] shall keep a summary of it, furnished by the labor commissioner [director of the labor and industrial division] without charge, posted in a conspicuous place on or about the premises wherein any person subject to the Minimum Wage Act is employed, and the summary shall clearly and conspicuously set forth the current minimum wage. **50-4-25**.

### ENFORCEMENT; PENALTIES; EMPLOYEES' REMEDIES

- A. An employer who violates any of the provisions of the Minimum Wage Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.
- B. The director of the labor relations division of the workforce solutions department shall enforce and prosecute violations of the Minimum Wage Act.
- C. In addition to penalties provided pursuant to this section, an employer who violates any provision of Section 50-4-22 NMSA 1978 shall be liable to the employees affected in the amount of their unpaid or underpaid minimum wages plus interest, and in an additional amount equal to twice the unpaid or underpaid wages. **50-4-26**.

### RETALIATION PROHIBITED

It is a violation of the Minimum Wage Act [50-4-20 NMSA 1978] for an employer or any other person to discharge, demote, deny promotion to or in any other way discriminate against a person in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to the Minimum Wage Act or assisting another person to do so or for informing another person about employment rights or other rights provided by law. **50-4-26.1**

The full version of the New Mexico Minimum Wage Act is available at [www.dws.state.nm.us](http://www.dws.state.nm.us)

Any suspected VIOLATIONS can be reported anonymously to the New Mexico Department of Workforce Solutions, Labor Relations Division at:

Albuquerque Office 121 Tijeras NE, Suite 3000, Albuquerque, NM 87102 (505) 841-4400

Las Cruces Office 226 South Alameda Blvd, Las Cruces, NM 88005 (575) 524-6195

Santa Fe Office 1596 Pacheco Street, Suite 201, Santa Fe, NM 87501 (505) 827-6817

# NEW MEXICO JOB HEALTH AND SAFETY POSTER

## You Have a Right to a Safe and Healthful Workplace

# IT'S THE LAW!



### Site Address / La Dirección a la

#### Agencia:

525 Camino de los Marquez,  
Ste. 3  
Santa Fe, NM 87505

### Mailing Address / Dirección de

#### Envío:

PO Box 5469  
Santa Fe, NM 87502-5469

### Telephone No./Número de

#### Telefono:

505-476-8700 or 1-877-610-6742

### Fax Number/Número de

#### Facsimil:

505-476-8734



#### Employees:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with New Mexico OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the New Mexico Occupational Health and Safety Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all OSHA standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

#### Employers:

- Employers must furnish your employees a place of employment free from recognized hazards.
- Employers must comply with the OSHA standards issued under the *OSH Act*.

The Occupational Safety and Health Act of 1970 (OSH Act). P.L. 91-956, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSHA Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek free OSHA advice and assistance, call 1-877-610-6742 or (505) 476-8700. Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to address to the left side of poster.

*The Federal Occupational Safety and Health Administration monitors the operation of the state program to assure its continued effectiveness. Anyone wishing to register a complaint concerning the administration of the New Mexico Occupational Health and Safety Program may do so by contacting U.S. Department of Labor, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (972) 850-4145.*

# SALUD DE TRABAJO Y CARTEL DE SEGURIDAD

**Usted Tiene el Derecho a un Lugar de Trabajo Seguro y Saludable.**

## **¡LO ESTABLECE LA LEY!**



### Empleados:

- Usted tiene el derecho de notificar a su empleador o a la OSHA sobre peligros en el lugar de trabajo. Usted también puede pedir que la OSHA no revele su nombre.
- Usted tiene el derecho de pedir a la OSHA de Nuevo México que realice una inspección si usted piensa que en su trabajo existen condiciones peligrosas o poco saludables. Usted o su representante pueden participar en esa inspección.
- Usted tiene 30 días para presentar una queja ante la OSHA de Nuevo México si su empleador llama a tomar represalias o discriminar en su contra por haber denunciado la condición de seguridad o salud o por ejercer los derechos consagrados bajo la Ley OSH de Nuevo México.
- Usted tiene el derecho de ver las citaciones enviadas por la OSHA a su empleador. Su empleador debe colocar las citaciones en el lugar donde se encontraron las supuestas infracciones o cerca de mismo.
- Su empleador debe corregir los peligros en el lugar de trabajo para la fecha indicada en la citación y debe certificar que dichos peligros se hayan reducido o desaparecido.
- Usted tiene derecho de recibir copias de su historial o registro médico y el registro de su exposición a sustancias o condiciones tóxicas o dañinas.
- Su empleador debe colocar este aviso en su lugar de trabajo.
- Usted debe cumplir con todas las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH que sean aplicables a sus propias acciones y conducta en el trabajo.



### Empleadores:

- Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros conocidos.
- Usted debe cumplir con las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH.



La Ley de Seguridad y Salud Ocupacionales de 1970 (la Ley), P.L. 91-596, garantiza condiciones ocupacionales seguras y saludables para los hombres y las mujeres que desempeñen algún trabajo en todo el Estado de Nuevo México. La Administración de Seguridad y Salud Ocupacionales (OSHA), es la responsable principal de supervisar la Ley. Los derechos que se indican en este documento pueden variar según las circunstancias particulares. Para presentar un reclamo, informar sobre una emergencia o pedir consejos y asistencia gratis de la OSHA, llame 1-877-610-6742 o (505) 476-8700. Número de fax - (505) 476-8734.

*La Administración de Salud y Seguridad Ocupacional Federal supervisa la operación del programa estatal para asegurar su eficacia continua. Alguien deseando registrar una queja acerca de la administración de OSHA por parte del Estado, puede hacer así por ponerse en contacto New Mexico Environment Department, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202, número de teléfono (972) 850-4145.*

## **Attention Employer:**

The New Mexico Poster “***Notice to Employees***” concerning Unemployment Compensation is distributed by the Employment Security Division upon business establishment and registration with the State. This poster is issued at the time of initial UI tax registration; therefore, your location(s) may currently have this posted.

You may request duplicate or replacement copies by contacting the Employment Security Division.

**By mail:** **New Mexico Department of Workforce Solutions**  
**Workforce Transition Services Division**  
**Unemployment Insurance Bureau**  
Tax Section  
P.O. Box 2281  
Albuquerque, New Mexico 87103

**By phone:** (505) 841-8576 or 2000

Thanks for ordering,

Your GovDocs Team

# Discrimination is against the law.

If you feel that you have been discriminated against, visit our website or contact us.

## Human Rights Bureau

1596 Pacheco Street, Santa Fe, NM 87505

Office: (505) 827-6838 • Toll-free: (800) 566-9471 • Fax: (505) 827-6878

### NEW MEXICO HUMAN RIGHTS ACT

The Human Rights Bureau enforces the provisions of the Human Rights Act of 1969. Additionally, the Human Rights Bureau has a work-sharing agreement with the Equal Employment Opportunity Commission (EEOC) to enforce the provisions of federal law under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), all as amended. Prohibited discriminatory bases include:

- |                   |  |
|-------------------|--|
| • Race            | • Physical or Mental Disability or Serious Medical Condition |
| • Color           | • Sexual Orientation   |
| • National Origin | • Gender Identity  |
| • Ancestry        | • Spousal Affiliation  |
| • Sex             | • Religion   |

Sexual harassment and harassment based on other protected categories is prohibited by the Act.

The Human Rights Act prohibits discrimination in the areas of employment, housing, credit, and public accommodations, and prohibits retaliation for complaining about discrimination in any of these areas.

If you feel you have been discriminated against, contact the Human Rights Bureau by phone or fill out a complaint form online at:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

### ENFORCEMENT

The New Mexico Department of Workforce Solutions Human Rights Bureau investigates complaints of discrimination and harassment in employment, housing, credit, and public accommodations.

Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination or harassment.

For assistance in filing a complaint, or for any other information on the Human Rights Act, please call (800) 566-9471 (toll-free) or (505) 827-6838, or visit our website at:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

Rev. 12/2015

### LA LEY DE DERECHOS HUMANOS DE NUEVO MÉXICO

El Buró de Derechos Humanos impone las provisiones de la Ley de Derechos Humanos de 1969. Adicionalmente, el Buró de Derechos Humanos tiene un acuerdo de reparto de trabajo con la Comisión de Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) para hacer cumplir las provisiones de la ley federal bajo el Título VII de la Ley de Derechos Civiles de 1964 (Civil Rights Act), la Ley de Discriminación por Edad en el Empleo de 1967 (Age Discrimination in Employment Act, ADEA), y la Ley de Americanos con Discapacidades de 1990 (Americans with Disabilities Act, ADA), todas según enmendadas. Las bases discriminatorias prohibidas incluyen:

- |                   |   |
|-------------------|---|
| • Raza            | • Discapacidad Mental o Física o Condiciones Médicas Graves |
| • Color           | • Orientación Sexual  |
| • Origen Nacional | • Identificación de Género                                  |
| • Ascendencia     | • Afiliación Nupcial  |
| • Sexo            | • Religión  |
| • Edad            |   |

El acoso sexual y acoso basado en otras categorías protegidas están prohibidos por la Ley.

La Ley de Derechos Humanos prohíbe la discriminación en las áreas de empleo, alojamiento, el acceso al crédito, y hospedaje público, y prohíbe la represalia por quejas en cualquiera de estas áreas.

Si usted siente que ha sido discriminado, comuníquese con el Buró de Derechos Humanos por teléfono o complete el formulario de quejas por Internet en:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

### CUMPLIMIENTO

El Buró de Derechos Humanos del Departamento de Soluciones de Fuerza Laboral de Nuevo México investiga quejas de discriminación y acoso en el empleo, alojamiento, el acceso al crédito, y hospedaje público.

Las quejas deben ser presentadas al Buró de Derechos Humanos dentro de 300 días de que ocurrió el último acto de discriminación o acoso.

Para ayuda en completar una queja, o por cualquier otra información sobre la Ley de Derechos Humanos, por favor llame al (800) 566-9471 (gratuitamente) o (505) 827-6838, o visite nuestra página por Internet en:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

## Buró de Derechos Humanos

1596 Pacheco Street, Santa Fe, NM 87505

Oficina: (505) 827-6838 • Línea Gratuita: (800) 566-9471 • Fax: (505) 827-6878

# Discriminación es contra la ley.

Si siente que ha sido discriminado, visite nuestra página por Internet o póngase en contacto con nosotros.



**THANK YOU  
FOR NOT SMOKING INDOORS  
OR NEAR BUILDING ENTRANCES**

# NOTICE OF ACCIDENT OR OCCUPATIONAL DISEASE DISABLEMENT NOTIFICACIÓN DE ACCIDENTE O ENFERMEDAD DE OFICIO

In accordance with New Mexico law, Section 52-1-29, Section 52-3-19 and Section 52-1-49, NMSA 1978; NMAC 11.4.4.11  
Conforme a la Ley de la Compensación de los Trabajadores, Sección 52-1-29, Sección 52-3-19 y Sección 52-1-49, NMSA 1978; NMAC 11.4.4.11

I, \_\_\_\_\_,  
Yo, \_\_\_\_\_ (name of employee/nombre del empleado)

was involved in an on-the-job accident or was disabled  
me lastimé en un accidente en el trabajo o fui incapacitado

by an occupational disease at approximately \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_\_.  
por enfermedad de oficio aproximadamente (time/a la(s) hora(s)) el (date/fecha) del 20\_\_\_\_\_.

Employee's social security number: \_\_\_\_\_  
Número de seguro social del empleado:

Where did the accident occur? \_\_\_\_\_  
¿Dónde ocurrió el accidente?

What happened?  
¿Qué ocurrió?

**To be completed by Employer:**

Completado por el empleador:

If Yes, Employer has right to change health care provider after 60 days.

En caso afirmativo, el empleador tiene derecho a cambiar de proveedor de atención médica después de 60 días.

**WORKER MUST INITIAL** \_\_\_\_\_

**Worker will choose health care provider. Yes  No**

Trabajador elegirá proveedor de atención médica.

If No, Worker has the right to change health care provider after 60 days.

En caso que no elige, el trabajador tiene derecho a cambiar de proveedor de atención médica después de 60 días.

**INICIALES DEL TRABAJADOR**

Signed: \_\_\_\_\_  
Firma: \_\_\_\_\_ (employee/empleado)  
Date/Fecha: \_\_\_\_\_

Signed/Notice Received: \_\_\_\_\_  
Firma/Notificación recibida: (employer or representative/empleador o representante)  
Date/Fecha: \_\_\_\_\_

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.

## PREVIOUS NOA FORMS ARE STILL VALID FOR USE

**Worker --**

For emergency medical care, go to any emergency medical facility.

Workers and Employers with questions about workers' compensation may contact an Ombudsman at any New Mexico Workers' Compensation Administration office for information and assistance. The offices are open Monday through Friday, 8 a.m. to 5 p.m., except holidays.

**Trabajador**

Para emergencias médicas vaya a cualquier clínica / hospital.

Trabajadores y empleadores con preguntas acerca de la compensación de los trabajadores pueden comunicarse con un asesor ("ombudsman") a cualquier oficina de la Administración de la Compensación de los Trabajadores para información y asistencia. Las oficinas están abiertas desde las ocho de la mañana hasta las cinco de la tarde de lunes a viernes, con la excepción de días festivos.

### Statewide Helpline -- Línea de Asistencia

**1-866-WORKOMP / 1-866-967-5667**

toll free -- llamada sin costo de larga distancia

New Mexico Workers' Compensation Administration  
PO Box 27198, Albuquerque, NM 87125

Albuquerque: (505) 841-6000 - 1 (800) 255-7965      Las Vegas: (505) 454-9251 - 1 (800) 281-7889  
Farmington: (505) 599-9746 - 1 (800) 568-7310      Lovington: (575) 396-3437 - 1 (800) 934-2450  
Las Cruces: (575) 524-6246 - 1 (800) 870-6826      Roswell: (575) 623-3997 - 1(866) 311-8587

Santa Fe: (505) 476-7381  
TDD for the deaf: (505) 841-6043  
[www.workerscomp.state.nm.us](http://www.workerscomp.state.nm.us)

**Employer/employee: Each keep one copy.  
Empleador/empleado: Retener una copia.**

Form NOA-1-W (4/12)

**SMOKING  
PERMITTED**

## EMPLOYER RECORDS

Whenever any child is employed at any gainful occupation permitted by law, it is the responsibility of the employer of such child to keep on file the work permit and to keep posted in a conspicuous place about the premises where such child is employed. All work permits and records and the premises where children are employed are subject to inspection by a representative of the Labor Relations Division.

## ENTERTAINMENT INDUSTRY

The New Mexico Department of Workforce Solutions (NMDWS) enforces rules for employing and protecting child performers in the entertainment industry, including motion pictures, theatrical, radio, and television productions. The rules require employers to follow educational and safety requirements stated in rules 11.1.4.1-15 NMAC and the statutes 50-6-1 to 50-6-19 NMSA 1978. Complete rules on children in the entertainment industry can be found at [www.dws.state.nm.us](http://www.dws.state.nm.us) under "Labor Relations," and "Child Labor."

## PENALTIES FOR VIOLATIONS

**State:** The Department of Workforce Solutions investigates complaints against employers who may be violating the child labor laws. Whoever is in violation of any of the provisions of sections 50.6.1–50.6.16 NMSA 1978 may be guilty of a misdemeanor and monetary fines may be imposed for each violation.

**Federal:** Regulations provide for a civil monetary penalty of up to \$10,000 for each violation of child labor provisions.

More detailed information on the Fair Labor Standards Act (FLSA) is available from the U.S. Department of Labor at:  
[www.dol.gov/whd/flsa](http://www.dol.gov/whd/flsa)

## CONTACT INFORMATION

Labor Relations Division  
Labor & Industrial Bureau, Wage & Hour Section

### Albuquerque Office

121 Tijeras NE, Suite 3000  
Albuquerque, NM 87102

**Phone:** (505) 841-4400  
**Fax:** (505) 841-4424

### Las Cruces Office

226 S. Alameda Blvd  
Las Cruces, NM 88005  
**Phone:** (575) 524-6195  
**Fax:** (575) 524-6194

### Santa Fe Office

1596 Pacheco Street  
Santa Fe, NM 87505  
**Phone:** (505) 827-0091  
**Fax:** (505) 827-9676

## FOLLOW US ON SOCIAL MEDIA!



**Twitter:** [www.twitter.com/nmdws](http://www.twitter.com/nmdws)



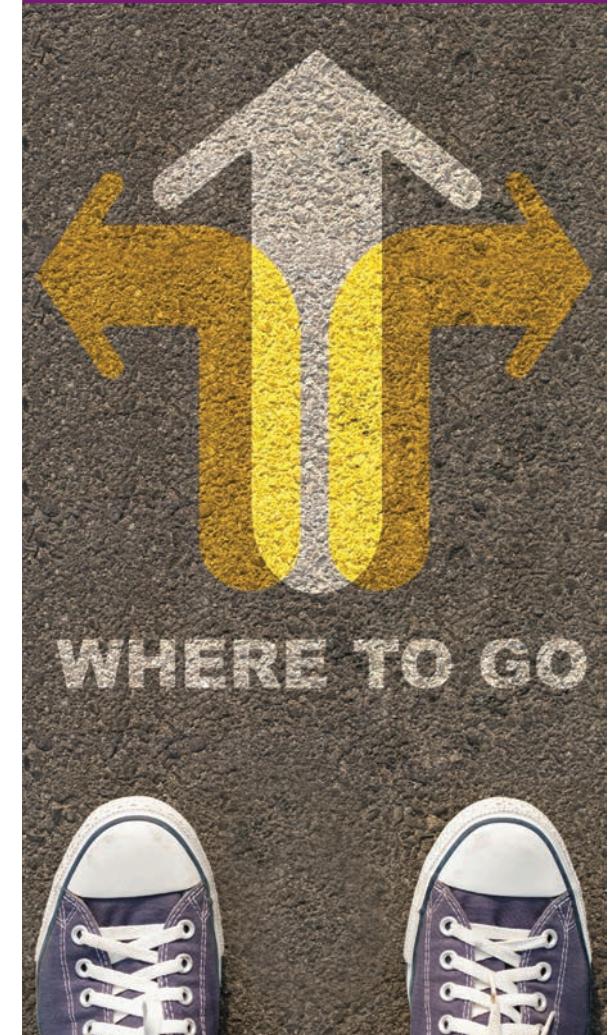
**YouTube:** [www.youtube.com/NMDWS](http://www.youtube.com/NMDWS)



Download a QR code reader app on your smart phone or tablet to scan the code for more information on Child Labor Law.



## Working As A Teen and Work Permits



## CHILD LABOR LAW

Teen workers comprise a large percentage of our workforce today. Young people are ready to work and anxious to obtain work experience. In an effort to provide work experience and protect our youth, certain laws have been enacted which establish standardized working conditions for minors. When both state and federal laws apply, the law setting the more stringent standard must be observed.

## ISSUANCE OF WORK PERMITS

A work permit is required by state law for the employment of children under 16 years of age at all times.

Work permits are issued to the child and shall be issued only by: school superintendents, school principals, designated school officials, or the director of the Labor Relations Division of the New Mexico Department of Workforce Solutions or the director's designee.

Satisfactory proof of age of the child must be provided at the time of issuance. Examples of proof of age include but are not limited to: birth certificate, BIA records, passport, and government issued identification.

A work permit will be in force for a period of **one year from the date of issuance**. The work permit may be renewed at expiration by the official authorized to issue such certificates for a period not exceeding one year.

## PROHIBITED OCCUPATIONS

*For minors age 14-15, established by the Fair Labor Standards Act (FLSA)*

### Occupations involving:

- Mining
- Manufacturing
- Processing, including laundry and dry cleaning
- Duties in workrooms

- Public messenger service
- Hoisting apparatus or any power-driven machinery
- Power-driven mowers/cutters
- The use of auto pits, racks, and lifting apparatus

### Occupations in connection with:

- Transportation of persons or property
- Warehousing and storage
- Communications

- Public utilities
- Construction

### Occupations in retail food or gas service establishments:

- Work in boiler/engine rooms
- Maintenance/repair of machines and equipment
- Outside window washing
- Cooking and baking

- Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers, grinders, choppers, and mixers
- Work in freezers/coolers
- Loading and unloading goods

\* and any occupations found and declared hazardous by FLSA.

### Hour Limitations

*Minors 14-15 years of age may NOT be employed:*

- during school hours
- before 7:00 am or after 7:00 pm, except from June 1<sup>st</sup> through Labor Day when evening hours are extended to 9:00 pm

- more than 3 hours a day—on a school day
- more than 18 hours a week—in a school week
- more than 8 hours a day—on a non-school day
- more than 40 hours a week—in a non-school week

*There are no hour or time restrictions for minors 16 years of age and older.*

## PROHIBITED HAZARDOUS OCCUPATIONS

*For minors age 16-17, established by the Fair Labor Standards Act (FLSA)*

### Occupations involving or in connection with:

- Explosives
- Motor-vehicle drivers
- Mining, including coal mining
- Logging, including sawmill
- Power-driven wood working machinery
- Radioactive substances
- Hoisting apparatus
- Elevators, cranes, derricks, hoists, and high-lift trucks

- Roofing occupations and excavation operations
- Metal forming, punching, shearing machines
- Slaughtering/meat packing
- Power-driven bakery machines
- Paper product machines
- Manufacture of brick, tile, and kindred products
- Circular saws, band saws, and guillotine shears
- Wrecking, demolition, and ship breaking

# NOTICE ON HUMAN TRAFFICKING

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**IF YOU OR SOMEONE YOU KNOW IS A VICTIM  
OF THIS CRIME, CONTACT THE FOLLOWING:**

IN NEW MEXICO, CALL OR TEXT  
**505-GET-FREE (505-438-3733)**

OR CALL THE NATIONAL HUMAN  
TRAFFICKING RESOURCE CENTER  
HOTLINE TOLL-FREE AT  
**1-888-373-7888 FOR HELP**

YOU MAY ALSO SEND THE TEXT  
**"HELP" OR "INFO" TO BEFREE ("233733")**

YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL

**505-GET-FREE (505-438-3733)**

OBTAINING FORCED LABOR OR SERVICES IS A CRIME  
UNDER NEW MEXICO AND FEDERAL LAW



# AVISO SOBRE EL TRÁFICO HUMANO

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**SI USTED O ALGUIEN QUE CONOCE ES VÍCTIMA DE  
ESTE CRIMEN, COMUNÍQUESE CON ALGUNO  
DE LOS SIGUIENTES RECURSOS:**

EN NUEVO MÉXICO, LLAME O MANDE UN TEXTO AL  
**505-GET-FREE (505-438-3733)**

O LLAME A LA LÍNEA DE EMERGENCIA  
DEL CENTRO NACIONAL DE RECURSOS PARA  
EL TRÁFICO HUMANO AL  
**1-888-373-7888** PARA AYUDA

TAMBIÉN PUEDE MANDAR UN TEXTO QUE DIGA  
**"HELP" O "INFO" A BEFREE ("233733")**

USTED PUEDE PERMANECER ANÓNIMO, Y SU LLAMADA O TEXTO ES CONFIDENCIAL

**505-GET-FREE (505-438-3733)**

OBTENER TRABAJO O SERVICIOS FORZADOS ES  
UN CRIMEN BAJO LA LEY ESTATAL DE NUEVO  
MÉXICO Y LA LEY FEDERAL



# AVISO OFICIAL

## Ley de Salario Mínimo de Nuevo México



**Salario Mínimo – Cada empleador deberá pagar a cada empleado salarios no menos de lo siguiente:**

**A Partir del 1 de Enero, 2009**

**\$7.50 por hora**

### SALARIOS MÍNIMOS

- A. Un empleador debe pagar a un empleado el salario mínimo de seis dólares cincuenta centavos (\$6.50) por hora. A partir del 1 de enero del 2009, un empleador debe pagar un salario mínimo de siete dólares cincuenta centavos (\$7.50) por hora.
- B. Un empleador que provee alimentos, servicios públicos, suministros o vivienda a un empleado que se dedica a la agricultura puede deducir el valor razonable de dichos elementos proporcionados del sueldo que se le debe al empleado.
- C. Un empleado que habitualmente y regularmente recibe más de treinta dólares (\$ 30.00) al mes en propinas deberá ser pagado un salario mínimo de dos dólares trece centavos (\$ 2.13) por hora.
- D. Un empleado no será requerido trabajar más de cuarenta horas en una semana de siete días, al menos que se le pague a una tarifa de una hora y media de su salario regular por todas las horas trabajadas en exceso de cuarenta horas. **50-4-22**.

### ANTICIPACIÓN ESTATAL TEMPORAL; CLAUSULA PREVENTIVA

Una ley local u ordenanza, ya sea recomendada o de aplicación directa, en efecto el 1 de enero del 2007, que prevé un salario mínimo más alto que el establecido en la Ley de Salario Mínimo continuará en pleno vigor y efecto hasta que sea revocada. **50-4-22.1**.

### EMPLEADORES EXENTOS DE LAS PROVISIONES DE HORAS EXTRAS PARA CIERTOS EMPLEADOS

- A. Un empleador de los trabajadores dedicados a la desmotadora de algodón para el mercado, está exento de las provisiones sobre horas extras establecidas en la subsección D de la Sección **50-4-22** NMSA 1978 si cada trabajador es empleado por un periodo de no más de catorce semanas en el agregado de un año civil.
- B. Un empleador de trabajadores dedicados a la agricultura está exento de las provisiones sobre horas extras establecidas en la subsección D de la Sección 50-4-22 NMSA 1978.
- C. Un empleador está exento de las provisiones sobre horas extras establecidas en la subsección D de la Sección 50-4-22 NMSA 1978 si las horas trabajadas en exceso de cuarenta horas en una semana de siete días, son: (1) trabajadas por un empleado de una compañía aérea que proporciona transporte aéreo regular de pasajeros, (2) no es requerido por el empleador, y (3) dispuesto a través de un acuerdo voluntario entre los empleados a intercambiar turnos de trabajo programados. **50-4-24**.

### PUBLICACIÓN DEL RESUMEN DE LA LEY

Cada empleador sujeto a la Ley de Salario Mínimo [50-4-20 NMSA 1978] debe mantener un resumen de la misma, suministrada por el comisario de labor [director de la división laboral e industrial] sin cargo, publicado en un lugar visible en o alrededor del local donde cualquier persona sujeta a la Ley de Salario Mínimo se emplea, y el resumen deberá clara y visiblemente establecer el salario mínimo actual. **50-4-25**.

### APLICACIÓN; SANCIONES; RECURSOS PARA EMPLEADOS

- A. Un empleador que infrinja cualquiera de las provisiones de la Ley de Salario Mínimo es culpable de un delito de menor cuantía y ya que sea convicto será sentenciado conforme a las provisiones de la Sección 31-19-1 NMSA 1978.
- B. El director de la división de relaciones laborales del departamento de soluciones de fuerzas laborales impondrá el cumplimiento y proseguirá violaciones de la Ley de Salario Mínimo.
- C. Además de las sanciones previstas en virtud de esta sección, un empleador que infrinja alguna de las provisiones de la Sección 50-4-22 NMSA 1978 será responsable frente a los empleados afectados por la suma de los salarios mínimos no pagados o mal pagados, más los intereses, y en una cantidad adicional igual al doble de los salarios no pagados o mal pagados. **50-4-26**.

### PROHIBIDO TOMAR REPRESALIAS

Es una violación de la Ley de Salario Mínimo [50-4-20 NMSA 1978] que un empleador o cualquier otra persona despidá, degrade, niegue la promoción o de cualquier otra manera discrimine a una persona en los términos o condiciones de empleo en represalia después de que la persona haya afirmado una demanda o derecho, conforme con la Ley de Salario Mínimo o por ayudar a otra persona a hacerlo o por informar a otra persona acerca de los derechos laborales y otros derechos previstos en la ley. **50-4-26**.

La versión en Español del resumen de la Ley de Salario Mínimo es sólo para fines informativos. Cualquier decisión legal ante un tribunal de justicia será basada en la versión en Inglés de la Ley de Salario Mínimo de Nuevo México.

La versión completa de la Ley de Salario Mínimo de Nuevo México está disponible en [www.dws.state.nm.us](http://www.dws.state.nm.us)

Alguna sospecha de VIOLACIÓN de la ley puede ser reportada de manera anónima al Departamento de Soluciones de Fuerzas Laborales de Nuevo México, División de Relaciones Laborales en:

Oficina de Albuquerque: 121 Tijeras NE, Suite 3000, Albuquerque, NM 87102 (505) 841-4400

Oficina de Las Cruces: 226 South Alameda Blvd. Las Cruces, NM 88005 (575) 524-6195

Oficina de Santa Fe: 1596 Pacheco Street, Suite 201, Santa Fe, NM 87501 (505) 827-681